

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

KEVIN L. TOWER,

Petitioner,

Case Number: 07-10485

v.

HON. ARTHUR J. TARNOW

RAYMOND D. BOOKER,

Respondent.

**ORDER DENYING PETITIONER'S MOTION FOR
APPOINTMENT OF COUNSEL WITHOUT PREJUDICE**

Petitioner Kevin L. Tower, a state inmate currently incarcerated at the Ryan Correctional Facility in Detroit, Michigan, has filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Now before the Court is Petitioner's Motion for Appointment of Counsel.

There exists no constitutional right to the appointment of counsel in civil cases, and the court has broad discretion in determining whether counsel should be appointed. Childs v. Pellegrin, 822 F.2d 1382, 1384 (6th Cir. 1987) (“[A]ppointment of counsel in a civil case is . . . a matter within the discretion of the court. It is a privilege and not a right.”) (internal quotation omitted). A habeas petitioner may obtain representation at any stage of the case “[w]henver the United States magistrate or the court determines that the interests of justice so require.” 18 U.S.C. § 3006A(a)(2)(B). In the instant case, the Court determines after careful consideration that the interests of justice do not require appointment of counsel at this time.

Accordingly, **IT IS ORDERED** that Petitioner's Motion for Appointment of Counsel is **DENIED WITHOUT PREJUDICE**. The Court will reconsider Petitioner's motion if it determines at a later date that appointment of counsel is necessary.

s/Arthur J. Tarnow
Arthur J. Tarnow
United States District Judge

Dated: February 8, 2007

I hereby certify that a copy of the foregoing document was served upon counsel of record on February 8, 2007, by electronic and/or ordinary mail.

s/Catherine A. Pickles
Judicial Secretary